

REMARKS

In this reissue application, original patent claims 1-17 were previously cancelled. New claims 18-26 were previously added, after which claims 20-26 were cancelled.

Claims 18-19 were pending and stand rejected. None of the claims has been amended.

The Examiner required Applicants to correct the format of the paragraph previously added at line 1, column 4 to be underlined (Detailed Action, paragraph 2). Applicants have done so. The Examiner required that status information in this paragraph be updated to include the patent number of the parent application (Detailed Action, paragraph 2). Applicants have done so.

The Examiner required Applicants to correct the format of amendments to the Abstract to be on a single page and to show deletions using brackets (Detailed Action, paragraph 3). Applicants have done so.

The Examiner required Applicants to correct the format of the non-original claims to be underlined (Detailed Action, paragraph 4). Applicants have done so.

The Examiner stated that the Reissue Declaration is defective because it does not include a statement that all errors being corrected in the reissue application up to the time of filing of the oath or declaration arose without any deceptive intention on the part of the applicant (Detailed Action, paragraph 5). Applicants note that the Reissue Declaration signed by James Kelly on 12/17/04 and the Reissue Declaration signed by Michael Regal on 12/28/04 each recite: "All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant" (see top of page 2). Thus, the Reissue Declarations comply with 37 CFR 1.175(a)(2).

The Examiner stated that claims 18 and 19 are rejected under 35 USC 251 because they are allegedly broadened claims filed after 2 years of the original patent issuance (Detailed

Action, paragraph 6). Applicants note that U.S. Patent No. 5,996,036 (“Original Patent”) was issued November 30, 1999. U.S. Patent Application No. 10/006,939 (now U.S. Patent No. RE38,428) (“Parent Application”) was filed November 30, 2001. Thus, the Parent Application was filed within two years of the issuance of the Original Patent. The present application claims priority to the Parent Application as a continuation and thus is entitled to the Parent Application’s filing date. “[I]f intent to broaden is indicated in a parent reissue application within the two years, a broadened claim can be presented in a continuing (continuation or divisional) reissue application after the two year period.” (MPEP 1412.03(IV)) Thus, claims 18 and 19 comply with 35 USC 251.

Applicants respectfully submit that the pending claims are now allowable over the cited art of record and request that the Examiner allow this case. The Examiner is invited to contact the undersigned in order to advance the prosecution of this case.

Respectfully submitted,

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